



W.P.(MD) No.401 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.401 of 2023
and WMP (MD) No.366 of 2023

P.Vijay Prathap Singh

... Petitioner

-VS-

- 1.The Principal Secretary to
Government of Tamilnadu
Department of Finance (Present)
Secretariat, Fort st. George, Chennai.
- 2.The Director,
Directorate of Medical and Health Service,
Chennai.
- 3.The Director of Treasuries and Accounts,
Panagal Building, 2nd Floor, Saidapet,
Chennai.
- 4.The District Collector,
Madurai District.
- 5.The District Treasury Officer,
District Treasury Office
Madurai.



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6.The District Empowered Committee
New Medical Health Insurance Scheme
Madurai District.

7.The Divisional Manager,
United India Insurance company Limited,
Divisional Office VI
PLA Rathna Towers 5th floor
212 Anna Salai, Chennai

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 7th respondent pertaining to the impugned proceedings in the letter dated 01.03.2022 and the consequential order of the 5th respondent vide Na.Ka.No.2542/2021/M1 dated 29.03.2022 and quash the same as illegal and to direct the respondents to reimburse the medical expenditure with interest at 6% per annum from the date of claim till the date of payment to the petitioner based on his representation dated 03.08.2021 for the following facts and circumstances of the case.

For Petitioner	:	Mr.S.Ramanathan
For Respondents	:	Mr.S.P.Maharajan for R1 to R6 Special Government Pleader Mr.C.Karthick for R7

ORDER

Through the impugned order dated 01.03.2022 and 29.03.2022, the petitioner's claim for medical reimbursement for the treatment and



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expenses incurred for testing positive for Covid-19 Virus for his parents, was rejected by the respondents 5 and 7 herein.

2. At that time, when the impugned order was passed, there was no regulation, facilitating the claim for reimbursement for COVID-19 positive cases. However, subsequently, the Government, in G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, had accepted the proposals of the Commissioner of Treasuries and Accounts for reimbursement of expenses incurred for COVID-19 cases. The relevant portion of the aforesaid Government Order is extracted hereunder:

“8. The Government after careful examination of the proposal of Commissioner of Treasuries and Accounts, have decided to accept the same and accordingly issue the following orders:-

(i) Sanction is accorded for an adhoc amount of Rs.10.00 crore (Rupees ten crore only) to clear the claims of the eligible expenses incurred by the Government Employees and their eligible family members and Pensioners (including spouse) / Family Pensioners under Non-Critical COVID care treatment undertaken in Non-Network hospitals by creating two



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Corpus Funds one for Rs.6.00 crore [Rupees six crore only) for Pensioners (including spouse) / Family Pensioners and Rs.4.00 crore [Rupees four crore only] for Government Employees and their eligible family members considering the welfare of the Employees/ Pensioners. There shall be no change in the existing modalities followed in respect of reimbursement claims settled by United India Insurance Company Limited from the funds released by Government under these Corpus Fund.

(ii) Government Employees/Pensioners who have already taken treatment for Non-Critical COVID care in Non-empanelled Hospitals from 01.03.2020 till date are directed to submit their claims for to reimbursements by applying to the Commissioner of Treasuries and Accounts, Chennai. The Commissioner of Treasuries and Accounts shall forward the applications along with documents to the United India Insurance Company Limited to reimburse the eligible amount from the Corpus Fund provided by the Government as is followed as per the G.Os first and second read above without reference to the District Level Empowered Committee.”



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3.Since the Government Order was not in existence when the impugned order was passed, the order cannot be strictly found fault with. However, in view of the subsequent passing of the Government Order in G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, the petitioner would be entitled for eligible reimbursement of the medical expenses incurred by him for his parents in this regard. Through the present impugned order, the application was returned to the petitioner herein by the 5th respondent.

4.Accordingly, the petitioner is at liberty to re-submit his application to the 5th respondent herein and on receipt of such application, the 5th respondent shall scrutinize and forward the same to the 7th respondent and accordingly, reimburse the eligible amount incurred by the petitioner for the treatment of his parents, in accordance with G.O.Ms.No.165, Finance [Health Insurance] Department dated 01.06.2022, within a period of four (4) weeks from the date of receipt of a copy of this order.



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5.With the above observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

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M.DHANDAPANI, J.

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